

REMARKS

Claims 1, 12, 19, 23 and 24 have been amended. Claims 11 and 22 have been canceled. Subsequent to the entry of the present amendment, claims 1-3, 5-10, 12, 13, 15-20, 23 and 24 are pending and at issue. These amendments and additions add no new matter as the claim language is fully supported by the specification and original claims.

Rejections under 35 U.S.C. § 103

A. Rejection of claims 1-3, 5-7, 19-20, 22 and 24

Claims 1-3, 5-7, 19-20, 22 and 24 are rejected under 35 U.S.C. §103(a) as being allegedly obvious over Katzman (US 5,140,254) in view of Kokin et al. (US 2004/0258567). This rejection is moot with respect to canceled claim 22. Applicant traverses this rejection as it applies to the pending claims.

Applicant has amended claim 1 to clarify that the showerhead includes “a body portion and an optical lens element configured to emit a fluid and to receive incident light rays, refract the incident light rays, and create exiting light rays that illuminate outgoing fluid emitted from fluid release points on the optical lens element” and “one or more lights attached to the body portion such that beams from the one or more lights are directed toward the optical lens element and the outgoing fluid”.

To establish a *prima facie* case of obviousness, the three basic criteria must be met: (1) there must be some suggestion or motivation to modify the reference as proposed by the Examiner; (2) there must be a reasonable expectation of success and (3) the prior art reference must teach or suggest all of the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP § 2143.

It is submitted, that Katzman in view of Kokin does *not* establish a *prima facie* case of obviousness, because the prior art references do not teach or suggest the claimed invention.

Katzman discloses "a housing having a front, a back, and a fluid passageway extending between the front and the back. The housing is connected to the water outlet for the shower so that the water outlet registers with the fluid passageway through the housing. Thus, water flow through the water outlet also flows through the fluid passageway and is discharged through the front of the housing onto the person taking the shower" and in the "preferred embodiment of the invention, the housing simulates a Wurlitzer record player reduced in size. Preferably, at least one oil filled tube is contained within the housing and has an electric heater at its bottom. Upon the application of power to the heater, the oil boils thus producing bubbles in the tube and further simulating a Wurlitzer player. Different colored lights are also contained within the housing in order to further simulate a Wurlitzer player" (col. 1, lines 33-41 and 56-64).

Katzman further discloses that water flows "out through a grill shaped shower head 26 at the front of the housing 14" (col. 2, lines 36-37). Nowhere in Katzman is it disclosed that the shaped shower head 26 includes "an optical lens element configured to emit a fluid and to receive incident light rays, refract the incident light rays, and create exiting light rays that illuminate outgoing fluid emitted from fluid release points on the optical lens element."

Katzman also discloses that "in order to further enhance the simulation of the Wurlitzer player, at least one and preferably two oil filled tubes 54 are provided around both sides of the front 14 of the housing 12. An electrical heater 56 at the bottom of each tube produces bubbles in the tube when the heaters 56 are electrically powered. Colored LED lights 58 next to the tubes 54 also further enhance the simulation of a Wurlitzer player" (col. 3, lines 1-10). Nowhere in Katzman is it disclosed that the lights 58 "are directed toward the optical lens element and the outgoing fluid".

Kokin discloses "a device for monitoring and illuminating a fluid" and the device may be a showerhead (paragraph [0028]). Nowhere in Kokin is it disclosed that the showerhead

includes "an optical lens element configured to emit a fluid and to receive incident light rays, refract the incident light rays, and create exiting light rays that illuminate outgoing fluid emitted from fluid release points on the optical lens element."

Kokin also discloses a light source 23 that generates an illumination beam 27, which is directed into the fluid stream 16 (paragraph [0031]). Nowhere in Kokin is it disclosed that the light source 23 "are directed toward the optical lens element" and "illuminate outgoing fluid emitted from fluid release points on the optical lens element."

Claims 12 and 19 have also been amended similarly as claim 1 and should also be allowable for the same reasons listed above.

Accordingly, both Katzman and Kokin, either individually or in combination fail to teach or suggest "an optical lens element" and "one or more lights attached to the body portion such that beams from the one or more lights are directed toward the optical lens element and the outgoing fluid" as described in the present invention.

Withdrawal of rejection of claims 1-3, 5-7, 19-20 and 24 under 35 U.S.C. §103 is respectfully requested.

B. Rejection of claims 8-13, 15-18 and 23

Claims 8-13, 15-18 and 23 are rejected under 35 U.S.C. §103(a) as being allegedly obvious over Katzman (US 5,140,254) and Kokin et al. (US 2004/0258567) as applied to claims 1, 12 19 and 22 above, and further in view of Bolson (US 4,564,889). This rejection is moot with respect to canceled claim 11. Applicant traverses this rejection as it applies to the pending claims.

In re Application of:

Frank Clark

Application No.: 10/762,689

Filed: January 21, 2004

Page 10 of 11

PATENT

Atty Docket No.: CLARK1180

Applicants have shown above that Katzman and Kokin fail to teach or suggest the claim limitation of emended claims 1, 12 and 19. The addition of Bolson does not cure defects.

Bolson discloses a showerhead that includes a lens cap 32 that has an end wall 40 with a series of apertures 39 to allow the egress of water (col. 3, lines 12-25). The showerhead provides "underwater illumination or in-stream illumination" (Abstract). While Bolson does disclose that "a series of various colored and/or reflective lens caps 32 can be used" (col. 4, lines 6-7), nowhere in Bolson is it disclosed that the lens cap 32 is translucent, or that that the lens cap is "an optical lens element configured to emit a fluid and to receive incident light rays, refract the incident light rays, and create exiting light rays that illuminate outgoing fluid emitted from fluid release points on the optical lens element."

Accordingly, withdrawal of rejection of claims 8-10, 12, 13, 15-18 and 23 under 35 U.S.C. §103 is respectfully requested.

In re Application of:

Frank Clark

Application No.: 10/762,689

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Page 11 of 11

PATENT

Atty Docket No.: CLARK1180

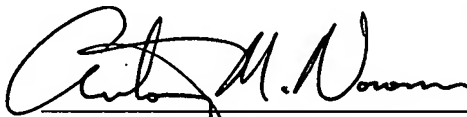
Conclusion

In view of the amendments and above remarks, it is submitted that the claims are in condition for allowance; and a notice to that effect is respectfully requested. The Examiner is invited to contact Applicant's undersigned representative if there are any questions relating to this application.

No fee is deemed necessary with the filing of this paper. However, the Commissioner is hereby authorized to charge any fees that are required, or credit any overpayments to Deposit Account No. 07-1896 referencing the above-identified attorney docket number. A copy of the Transmittal Sheet is enclosed.

Respectfully submitted,

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